

ORDINANCE NO. 97-27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE **TRAFFIC CIRCULATION ELEMENT** (TO ESTABLISH THE CITY OF WEST PALM BEACH TRAFFIC CONCURRENCY EXCEPTION AREA [WPB TCEA]); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 28, March 14, and March 28, 1997, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 31 and April 2, 1997, to review the recommendations of the

ORDINANCE NO.

97-27

1 Local Planning Agency, whereupon the Board of County Commissioners
2 authorized transmittal of proposed amendments to the Department of
3 Community Affairs for review and comment pursuant to Chapter 163,
4 Part II, Florida Statutes; and

5 **WHEREAS,** Palm Beach County received on July 7, 1997, the
6 Department of Community Affairs "Objections, Recommendations, and
7 Comments Report," dated July 3, 1997, which was the Department's
8 written review of the proposed Comprehensive Plan amendments; and

9 **WHEREAS,** the written comments submitted by the Department of
10 Community Affairs contained no objections to the amendments
11 contained in this ordinance;

12 **WHEREAS,** on August 8, 1997, the written comments submitted by
13 the Department of Community Affairs, and the Planning Division's
14 response to the written comments, were reviewed by the Palm Beach
15 County Local Planning Agency to make recommendations regarding
16 adoption of the Comprehensive Plan amendments; and

17 **WHEREAS,** on September 22, 1997, the Palm Beach County Board of
18 County Commissioners held a public hearing to review the written
19 comments submitted by the Department of Community Affairs and to
20 consider adoption of the amendments; and

21 **WHEREAS,** the Palm Beach County Board of County Commissioners
22 has determined that the amendments comply with all requirements of
23 the Local Government Comprehensive Planning and Land Development
24 Regulations Act.

25 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
26 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

27 **Part I. Amendments to the 1989 Comprehensive Plan**

28 Amendments to the following Element of the 1989 Comprehensive
29 Plan are hereby adopted and are attached to this Ordinance on the
30 following Exhibit:

ORDINANCE NO.

97-27

1 A. Traffic Circulation Element, to establish the City of
2 West Palm Beach (WPB) Traffic Concurrency Exception Area
3 (TCEA).

4 Part II. Repeal of Laws in Conflict

5 All local laws and ordinances applying to the unincorporated
6 area of Palm Beach County in conflict with any provision of this
7 ordinance are hereby repealed to the extent of such conflict.

8 Part III. Severability

9 If any section, paragraph, sentence, clause, phrase, or word
10 of this Ordinance is for any reason held by the Court to be
11 unconstitutional, inoperative or void, such holding shall not
12 affect the remainder of this Ordinance.

13 Part IV. Inclusion in the 1989 Comprehensive Plan

14 The provision of this Ordinance shall become and be made a
15 part of the 1989 Palm Beach County Comprehensive Plan. The
16 Sections of the Ordinance may be renumbered or relettered to
17 accomplish such, and the word "ordinance" may be changed to
18 "section," "article," or any other appropriate word.

19 Part V. Effective Date

20 The effective date of this plan amendment shall be the date a
21 final order is issued by the Department of Community Affairs or
22 Administration Commission finding the amendment in compliance in
23 accordance with Section 163.3184, Florida Statutes, whichever
24 occurs earlier. No development orders, development permits, or
25 land uses dependent on this amendment may be issued or commence
26 before it has become effective. If a final order of noncompliance
27 is issued by the Administration Commission, this amendment may
28 nevertheless be made effective by adoption of a resolution
29 affirming its effective status, a copy of which resolutions shall
30 be sent to the Department of Community Affairs, Bureau of Local

ORDINANCE NO.

97-27

1 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

2 APPROVED AND ADOPTED by the Board of County Commissioners of
3 Palm Beach County, on the 22 day of September, 1997.

4 ATTEST:
5 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

6 
7 Deputy Clerk

By  Chair

8 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

9 
10 COUNTY ATTORNEY

11 Filed with the Department of State on the 29 day
12 of September, 1997.

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ORDINANCE NO.
97-27

A. Traffic Circulation Element - West Palm Beach TCEA.

1. ADDED POLICY

Policy 1.13-e: The City of West Palm Beach Transportation Concurrency Exception Area (TCEA) is hereby established and designated as shown in Exhibit 1 of the Traffic Circulation Element, subject to: 1) the City maintenance of a residential/non-residential ratio minimum, 2) City participation/support of motor vehicle capacity increases as indicated in the City's TCEA and the applicable portions of Section K of the Existing Conditions section of this element, and 3) the following sub-policies:

Sub-Policy 1.13-e.1: Palm Beach County shall evaluate the annual reports of the City of West Palm Beach's Traffic Management System (TMS) and the Buildable Areas Monitoring Table and other appropriate materials as provided by the TCEA policies identified in the various elements of the City's Comprehensive Plan, and determine conformance with the TCEA policies of the City's Comprehensive Plan and Section K of the Existing Conditions portion of this element.

Sub-Policy 1.13-e.2: In the event Palm Beach County determines that the City has not complied with the TCEA policies of the City's Comprehensive Plan and Section K of the Existing Conditions portion of this element, the County's Comprehensive Plan policies creating the TCEA will be re-evaluated.

Sub-Policy 1.13-e.3: In the event the City seeks to reduce the number of lanes on Okeechobee Boulevard from Tamarind Avenue to Dixie Highway, a CRALLS designation will be required.

Sub-Policy 1.13-e.4: The City and County shall determine the specific limits where Dixie Highway and Olive Avenue shall be two way and where it shall remain one way. These limits shall be adopted as part of the City's and County's 97-2 Comprehensive Plan Amendment Round. The current concept of these boundaries is as follows:

| <u>Roadway</u> | <u>Segment</u> | <u>Operation</u> |
|----------------------|---|------------------|
| <u>Dixie Highway</u> | <u>South of Okeechobee Blvd.</u> | <u>Two-way</u> |
| | <u>Between Okeechobee Blvd.and Banyan Blvd.</u> | <u>One-way</u> |
| | <u>North of Banyan Blvd.</u> | <u>Two-way</u> |
| <u>Olive Avenue</u> | <u>South of Okeechobee Blvd.</u> | <u>Two-way</u> |
| | <u>Between Okeechobee Blvd. and Quadrille Blvd.</u> | <u>One-way</u> |
| | <u>North of Quadrille Blvd.</u> | <u>Two-way</u> |

These segments will be reviewed and may be modified as identified in the Round 97-2 process by the City and the County to address capacity, appropriate data and analysis, operational details and safety.

Those segments that will remain one-way operations shall contain two vehicular travel lanes as reviewed and approved by the City and County, while increasing sidewalk width as deemed appropriate by the City.

If no agreement is reached on the boundaries of the one-way sections on Dixie Highway and Olive Avenue by the City and County, and if the City two-ways Dixie Highway and Olive Avenue within the above described boundaries, the County's Comprehensive Plan Amendment creating the TCEA shall be re-evaluated.

ORDINANCE NO. **97-27**

Sub-Policy 1.13-e.5: The Transportation Concurrency Exception Area (TCEA) for the West Palm Beach Downtown Master Plan (DMP) shall become effective upon the finding of compliance by the Florida Department of Community Affairs (DCA) for both the County's and the City's amendments to their respective comprehensive plans for the TCEA. It is the County's position that development orders issued within the DMP area shall be consistent with the policies in the County's TCEA.

Sub-Policy 1.13-e.6: The TCEA is limited to the square footage set forth in the Downtown Master Plan and as indicated below in the table titled "Buildable Areas Monitoring Table".

| <u>BUILDING AREAS MONITORING TABLE</u> | | | | | | |
|--|--|----------------------------------|---|--------------------------|--|----------------------|
| <u>DOWNTOWN MASTER PLAN SUBAREA</u> | <u>NONRESID. (SQ..FT.)</u> <u>1. 1995 EXISTING</u> <u>2. DEVELOP. CAP 2010</u> <u>3. TOTAL 2010</u> | | <u>RESIDENTIAL (D.U.)</u> <u>1. 1995 EXISTING</u> <u>2. DEVELOP. CAP 2010</u> <u>3. TOTAL 2010</u> | | <u>HOTEL (RM.)</u> <u>1. 1995 EXISTING</u> <u>2. DEVELOP. CAP 2010</u> <u>3. TOTAL 2010</u> | |
| <u>AREA #1 WATERFRONT S.</u> | 1. 1,312,974 2. 115,069 3. 1,428,043 | | 1. 801 2. 0 3. 801 | | | |
| <u>AREA #2 CLEMATIS ST.</u> | 1. 1,911,020 2. 367,953 3. 2,278,973 | | 1. 84 2. 578 3. 662 | | | |
| <u>AREA #3 WATERFRONT N.</u> | 1. 579,422 2. 466,137 3. 1,045,559 | | 1. 251 2. 56 3. 307 | | | |
| <u>AREA #4 GOVERNMENT DIS.</u> | 1. 1,575,734 2. 1,262 3. 1,576,996 | | 1. 1 2. 19 3. 20 | | | |
| <u>AREA #5 PROVIDENCIA PK.</u> | 1. 550,579 2. 81,818 3. 632,397 | | 1. 202 2. 122 3. 324 | | | |
| <u>AREA #6 NORTHWEST</u> | 1. 269,156 2. 514,217 3. 783,373 | | 1. 1,238 2. 783 3. 2,021 | | | |
| <u>AREA #7 CLEAR LAKE</u> | 1. 444,199 2. 488,939 3. 933,138 | | 1. 0 2. 0 3. 0 | | 1. 349 2. 300 3. 649 | |
| <u>AREA #8 GOVERNMENT HILL</u> | 1. 1,213,285 2. 935,378 3. 2,148,663 | 2.a. 1,012,500 3.a. 2,225,785 | 1. 111 2. 708 3. 819 | 2.a. 1,290 3.a. 1,401 | 1. 0 2. 0 3. 0 | 2.a. 650 3.a. 650 |
| <u>AREA #9 OKEECHOBEE BLVD.</u> | 1. 270,576 2. 2,068,752 3. 2,339,328 | 2.a. 895,000 3.a. 1,165,576 | 1. 1 2. 799 3. 800 | 2.a. 99 3.a. 100 | 1. 0 2. 800 3. 800 | 2.a. 350 3.a. 350 |
| <u>TOTAL</u> | 12510467 | 12069837 | 5754 | 5636 | 1449 | 1649 |

Notes: -Data included in 2.a and 3.a reflects the proposed City Place Development.
 -This table is expected to be revised to reflect the final and approved City Place Development.
 -Areas 1 through 7 are not affected by the City Place Development Area #8: 1,290 dwelling units is the total of the 708 proposed dwelling units (within Area #8 but outside the Downtown/Uptown DRI) plus the 582 dwelling units proposed by the City Place Development.
 -Area #9: 99 dwelling units is the estimated 99 dwelling units (within Area #9 but outside the Downtown/Uptown DRI) plus the 0 dwelling units proposed by the City Place Development.

ORDINANCE NO.
97-27

2. ADDED TEXT - EXISTING CONDITIONS

Section K of the Existing Conditions is amended with the following language, to be added at the end of the existing text.

The City of West Palm Beach TCEA is created in support of the City's adopted *Downtown Master Plan (DMP)*, with boundaries coterminous to those of the DMP. The DMP is a revitalization plan that applies the principles of *New Urbanism* to the City's downtown area. Regarding traffic impacts generated by the development of such a plan, New Urbanism and the DMP emphasize that a balanced mix of residential and non-residential uses will produce high rates of traffic capture (internally capturing vehicle trips, that would have otherwise gone outside the area), thereby lessening the impact on areas outside the boundaries of the TCEA. City data indicates that (based on 1995 data developed for the DMP), within the DMP area, the ratio of the number of dwelling units per 1,000 square feet of non-residential development is .33. The DMP at buildout is expected to yield a ratio of .46 by year 2010.

The County has a responsibility for maintaining levels of service on County and State Roads under the Palm Beach County Charter and the Countywide Traffic Performance Standards Ordinance (TPSO). The County has evaluated the proposed TCEA and support data, and agrees to except the proposed TCEA from traffic concurrency with the following conditions:

1. The City has included the following bulleted items as policies in its Traffic Circulation Element:

- Potential increases to motor vehicle capacity are limited to the intersections and roadways listed below. The County and City recognize that modifications to increase motor vehicle capacity can vary from changing signal timings to adding lanes. City and County promotion of transportation modes and behavior that reduce the use of motor vehicles, particularly single occupancy automobiles, shall occur prior to making any motor vehicle capacity increases. Further, no capacity increases at a particular intersection or roadway link can be made until Level of Service E is exceeded, unless specifically agreed to by both City and County. (see Objective 2.8 of the Traffic Circulation Element of the City's Comprehensive Plan)

Roadways

1. Palm Beach Lakes Boulevard from Dixie Highway to Australian Avenue
2. Australian Avenue from Palm Beach Lakes to Old Okeechobee Road
3. Okeechobee Boulevard from Tamarind Avenue to I-95

Intersections

1. Palm Beach Lakes Boulevard and Dixie Highway
2. Quadrille Boulevard and Dixie Highway
3. Banyan Boulevard and Australian Avenue
4. Okeechobee Boulevard and Tamarind Avenue
5. Okeechobee Boulevard and Dixie Highway
6. Okeechobee Boulevard and Olive Avenue
7. Belvedere Road and Dixie Highway
8. Okeechobee Boulevard and Quadrille Boulevard

- The DMP and TCEA are predicated on a set of assumptions needed to provide and implement the transportation goals, increase the number of residential dwelling units and increase the density of nonresidential land uses. This balance of land uses is essential in achieving shorter trip lengths and reduced dependence on automobiles, as envisioned by the DMP and TCEA. This

ORDINANCE NO. **97-27**

balance shall be maintained by the following actions (see Objective 2.8 of the Traffic Circulation Element of the City's Comprehensive Plan):

- a) The City shall implement the DMP to increase the number of residential units in and near the downtown;
- b) The City shall increase the density and mix of land uses in downtown; and
- c) The City shall increase the ratio of residential to nonresidential land uses.

The ratio is the total number of built residential dwelling units divided by the total amount of built nonresidential development (1,000 square feet) in the downtown (for purposes of this calculation, built units or nonresidential floor space are those having been issued a certificate of occupancy). The 1995 ratio (based on 1995 data), as calculated by the Buildable Areas Monitoring Table, is .33, and the DMP projects development within the boundaries of the TCEA to reach a built ratio of .46 by year 2010.

Five years from the effective date of the City's TCEA, the City shall achieve a built ratio of no less than the 1995 ratio of .33 (the baseline ratio). If the built ratio is lower than .33 at that time, no building permits shall be issued for new development (not including renovation) in downtown which represent a ratio lower than the next baseline, until such time that a recalculation of built units and floor space yields at least a built ratio of .33.

Every two years ("reporting period") following the fifth year from the effective date of the City's TCEA, the City shall increase its baseline ratio by .03 until the baseline ratio is .46. Thereafter, .46 will be the baseline ratio, as indicated in the table below. If the baseline ratio is not met by the end of each reporting period, then no building permits shall be issued for new development in downtown which represent a ratio lower than the next baseline ratio, until such time that a recalculation of built units and floor space yields at least the baseline ratio. This annual report shall be based on total built units as of one month prior to the end of the reporting period.

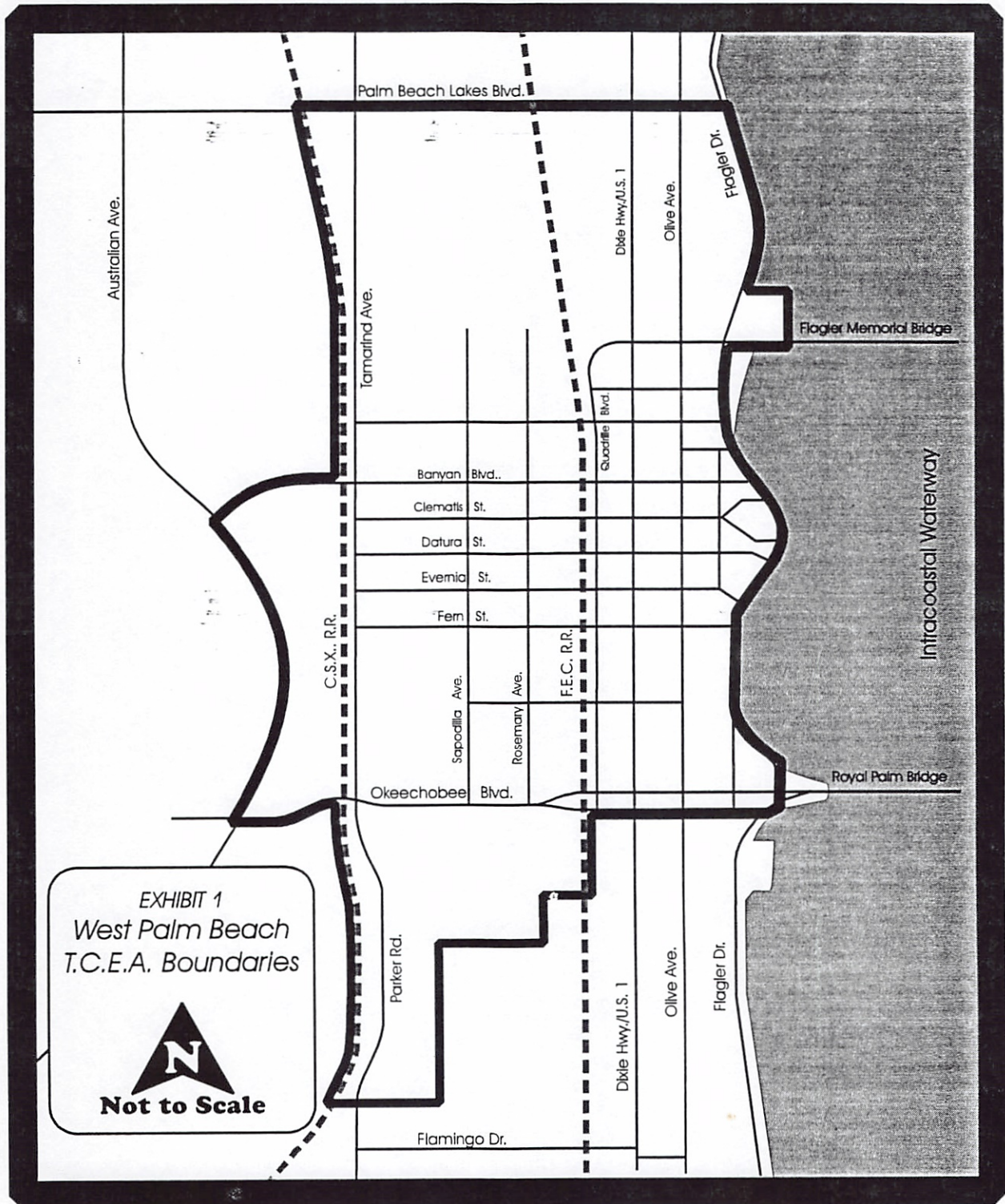
| <u>Years After Effective Date</u> | <u>Baseline Ratio</u> |
|-----------------------------------|-----------------------|
| <u>5</u> | <u>0.33</u> |
| <u>7</u> | <u>0.36</u> |
| <u>9</u> | <u>0.39</u> |
| <u>11</u> | <u>0.42</u> |
| <u>13</u> | <u>0.45</u> |
| <u>14+</u> | <u>0.46</u> |

- West Palm Beach shall not support a reduction in the number of lanes on Okeechobee Boulevard from Tamarind Avenue to Dixie Highway, unless a CRALLS designation has been approved.
2. The City shall include appropriate policy language to specifically provide copies of the monitoring reports described in Objective 2.8 of the City's Traffic Circulation Element to Palm Beach County.

ORDINANCE NO. 97-27

3. **ADDED MAP: Exhibit 1, City of West Palm Beach TCEA Boundary.**

The map depicting the boundaries of the TCEA as provided here is added to the Traffic Circulation Element.



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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/22/97
DATED at West Palm Beach, FL on 10/8/97
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.

ORDINANCE NO. **97-27**